



LITHGOW CITY COUNCIL

MINUTES

ORDINARY MEETING OF COUNCIL

HELD ON

19 FEBRUARY 2007

**MINUTES OF THE LITHGOW CITY COUNCIL MEETING
HELD AT THE CIVIC CENTRE, LITHGOW ON 19 FEBRUARY 2007**

Meeting Commenced 7.00pm

Public Gallery: 40

PRESENT

His Worship the Mayor
Councillor Neville Castle
Councillor B P Morrissey
Councillor M F Ticehurst
Councillor W McAndrew
Councillor H K Fisher
Councillor B S Moran
Councillor M M Collins
Councillor A E Thompson
Councillor M J Wilson

APOLOGIES

NIL

Also in attendance

General Manager, Mr Paul Anderson
Group Manager Regional Services, Mr Andrew Muir
Minutes Secretary, Ms Casey Clarke
Manager Policy and Planning, Mrs Amanda Muir
Manager Community and Culture, Mrs Penny Hall

CONFIRMATION OF MINUTES

Confirmation of the Minutes of the Ordinary Meeting of Council held on the 18 December 2006 were taken as read and confirmed by Councillors H K Fisher and M J Wilson.

07- 44 RESOLVED

CARRIED

DECLARATION OF INTEREST

His Worship the Mayor called for Declarations of Interest on any matter before the Meeting.

NIL

QUESTIONS FROM THE PUBLIC GALLERY

At 7.00pm members of the public gallery were invited to address questions through the Mayor to Councillors and Staff: -

NIL questions

Presentations from:

Lindsay Charles, Ken Middlebrook and John Pike gave a briefing on the new proposed correctional centre for the Lithgow Region. Questions were raised by the Councillors and answered by the representatives.

Mr Tim Putnam was in the Chambers to answer any questions raised by Councillors on the proposed Parole Office in Main Street Lithgow.

Mr Steve Gifney and Geoff Moon gave a brief presentation on the funding situation for the Capertee Progress Association and the Blue Light Unit. Questions were again raised and answered.

Mrs Heather Younger and Ms Vanetta Rensure gave a brief presentation on the Lithgow Show and the fees food vendors to be charged for inspections. Again questions were raised and answered. A meeting is to be arranged between the Show Society, Macgregor Ross, the General Manager and the Mayor to discuss the issues raised.

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GENERAL MANAGER REPORTS

ITEM:1 GM - 19/02/07 - SECURED TAXI RANK

REFERENCE

NIL

SUMMARY

This report outlines a joint proposal for the trial establishment of a secured taxi rank in Main Street.

COMMENTARY

Council may recall the issue raised at the December PACT meeting regarding antisocial behaviours in the Central Business District vicinity of Lithgow and the perceived difficulties of gaining public transport in the late evening / early hours in Lithgow.

A meeting was recently held with representatives from PACT (NSW Police Department), Department of Transport (DOT), RTA, Lithgow Taxi Network and the Lithgow Liquor Accord to discuss the opportunities and issues relating to a secured taxi rank.

A secured taxi rank is fully funded by the Department of Transport from a levy applied to taxi operators and sees the employment of at least two (2) security guards to man a specified rank to facilitate the orderly distribution and collection of taxi travel. Although the guard's primary role is to control the rank and facilitate the orderly "moving on" of patrons, it is anticipated some surveillance of the Main Street in the immediate vicinity may also occur. A secured rank is normally "manned" between 10.30pm and 5.00am.

The Lithgow Taxi Network has agreed with the unanimous support of the DOT, Police, RTA and the Liquor Accord to make the application for a 3 month trial. At the completion of the trial, the DOT will evaluate the services and determine if full time funding may be provided.

The secured rank also gives Council the opportunity to apply for a grant from the DOT to upgrade the rank with respect to lighting and other facilities, if approved as a permanent facility.

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

As the secured rank is fully funded by the DOT, there are no financial implications arising from this report.

LEGAL IMPLICATIONS

NIL

CONCLUSION

In an attempt to curb some antisocial behaviour and to assist in moving people from the CBD late at night the PACT, Council, Taxi Network, Liquor Accord, DOT and RTA are proposing a trial of a secured taxi rank in Main Street. This incentive has been supported in principle and will be monitored for a 3 month period to determine its effectiveness.

07- 45 RESOLVED

THAT Council note the incentive of a secured taxi rank and congratulate the Taxi Network and Liquor Accord for advancing the project.

MOVED: Councillor B S Moran
CARRIED

SECONDED: Councillor M J Wilson.

REGIONAL SERVICES REPORTS

**ITEM:2 REG - 19/02/07 - CENTRAL TABLELANDS MOUNTAIN BIKE CLUB -
REQUEST FOR WAIVER OF INVOICE**

REPORTED BY: WORKS ENGINEER – C Schumacher

SUMMARY

To advise Council of a request from the Central Tablelands Mountain Bike Club to waive an invoice for road grading works.

COMMENTARY

Central Tablelands Mountain Bike Club (CTMBC) have been holding regular meetings as part of the National Down Hill Mountain Bike Serious. Road grading works were completed by Council late last year to a State Forests road (with their consent) at the top of Dobs Drift at the request of CTMBC to allow for the smooth transition of traffic to and from the event location.

Upon the works being requested CTMBC received an estimate of costs and subsequently an invoice totalling \$2,363.74 for the work carried out by Council. CTMBC have requested that Council consider the wavier of such charges.

CTMBC have stated that this has two ramifications:

- 1) CTMBC have less funds available to donate to other volunteer organisations, such as St Johns First Aid, and Lithgow VRA who helped out on the event weekend.
- 2) CTMBC would have to seriously reconsider the viability of attracting such events to the Lithgow area in the future.

POLICY IMPLICATIONS

Council has policies on Section 356 donations, financial assistance to community groups by interest free loans and requests for donations by waiving fees for council facilities. None of these policies entirely fit this situation. Should Council resolve to provide a donation back to the Club, it would not be strictly in accordance with the Section 356 policy as the donation would not be in accordance with the regime set out in the policy; however variance to a policy is a matter for the Council to consider.

FINANCIAL IMPLICATIONS

Should Council resolve to waive the invoice or part thereof, it would need to fund the works from another program or source funds from the Section 356 allocation. However, Council should refer to the report from the Community and Culture Manager in this business paper in relation to the current status of expenditure from the Section 356 vote.

LEGAL IMPLICATIONS

Section 356 of the Local Government Act 1993 states that:

- (1) A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.
- (2) A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days public notice of the council's proposal to pass the necessary resolution has been given.

- (3) However, public notice is not required if:
- (a) the financial assistance is part of a specific program, and
 - (b) the program's details have been included in the council's draft management plan for the year in which the financial assistance is proposed to be given, and
 - (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and
 - (d) the program applies uniformly to all persons within the council's area or to a significant group of persons within the area.

RECOMMENDATION

THAT Council advise the Central Tablelands Mountain Bike Club it is unable to waive the invoice for \$2,363.74 but is willing to allow the invoice to be paid off over an extended period ending on 30 June 2007. However, if the amount is not paid within the extended period, interest will be charged on the outstanding amount backdated to the date of Council carrying out the works.

07- 46 RESOLVED

THAT:

1. Council advise the Central Tablelands Mountain Bike Club it is unable to waive the invoice for \$2,363.74 but is willing to allow the invoice to be paid off over an extended period ending on 30 June 2007. However, if the amount is not paid within the extended period, interest will be charged on the outstanding amount backdated to the date of Council carrying out the works.
2. Council use the auspices of the Local Member to seek a reimbursement of the invoice costs from the State Forests for this work and a program for the ongoing maintenance of the roadway in the future.
3. Should State Forest not agree to maintain the road or pay the costs Council consider providing a donation to the CTMBC to the value of the invoice.

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor B S Moran.

COMMUNITY AND CORPORATE SERVICES REPORTS

ITEM:3 COMM - 19/02/07 - DEED OF ASSIGNMENT FOR 25 ESKBANK STREET, LITHGOW

REPORT FROM: ACCOUNTING SUPPORT OFFICER – S HALL

REFERENCE

Min 06-86: Council Meeting 20 March 2006

SUMMARY

This report seeks Council approval to attach the Common Seal to a Deed of Assignment for 25 Eskbank Street, Lithgow.

COMMENTARY

Council at its meeting of 20 March 2006 affixed the Common Seal to a lease for 25 Eskbank Street, Lithgow. Subsequently, the business has been sold and the new owner has assumed responsibility for the lease. Therefore, to formalise the transfer of business ownership in relation to the lease, a Deed of Assignment has been prepared and awaits Council's approval to affix the Common Seal.

POLICY IMPLICATIONS

There are no policy implications as a result of this report.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report.

LEGAL IMPLICATIONS

The Deed of Assignment has been prepared by Council's Solicitors.

07- 47 RESOLVED

THAT Council affix the Common Seal to the Deed of Assignment for 25 Eskbank Street, Lithgow.

MOVED: Councillor H K Fisher

SECONDED: Councillor W McAndrew.

CARRIED

**ITEM:4 COMM - 19/02/07 - TRANSFER OF LOT 99 DP 1075659 TO COUNCIL
FROM BULLOCKY WAY PTY LTD**

REPORT FROM: ACCOUNTING SUPPORT OFFICER – S HALL

REFERENCE

Nil

SUMMARY

This report seeks Council approval to attach the Common Seal to a Transfer for Lot 99 DP 1075659 being land upon which a pump station is located.

COMMENTARY

A Transfer for Lot 99 DP 1075659 being land upon which a pump station is located has been received and awaits execution with the Common Seal. The pump station was installed and is operational as part of the Hillcrest subdivision development. Therefore, it is requested that the Common Seal be affixed to the Transfer.

POLICY IMPLICATIONS

There are no policy implications as a result of this report.

FINANCIAL IMPLICATIONS

The estate is being transferred in fee simple.

LEGAL IMPLICATIONS

The Transfer has been prepared by Cheney Wilson & Law Solicitors on behalf on Bullocky Way Pty Limited and will be forwarded to the Land Titles Office for registration if Council resolves to attach the Common Seal.

07- 48 RESOLVED

THAT Council affix the Common Seal to the Transfer for Lot 99 DP 1075659.

MOVED: Councillor M J Wilson

SECONDED: Councillor B S Moran.

CARRIED

ITEM:5 COMM - 19/02/07 - UPDATE ON LITHGOW CORRECTION CENTRE EXPANSION

REPORT FROM: GROUP MANAGER – COMMUNITY AND CORPORATE – K. Woolley

REFERENCE

Minute 06-340: Council meeting 16 October 2006
Minute 06-262: Council meeting 21 August 2006
Minute 06-141: Council meeting 15 May 2006

SUMMARY

This report provides Council with the minutes of the Lithgow Correctional Centre Consultative Committee meeting of 13 December 2006 and the minutes of 3 October 2006 and also provides some additional information Council has gathered on the progress of the project.

COMMENTARY

Council received a report on the 16 October 2006 from the General Manager detailing the visit to John Moroney Centre. The minutes from the Department of Corrective Services which arrived after the presentation of the report are attached for Council's information.

The minutes of the 13 December 2006 Correctional Centre Consultative Committee are attached for Council's information.

Further updates on the project are provided to Council as follows:

- In January 2007, Council received the Preliminary Environmental Assessment (PEA) on the expansion to the facility from the Department of Planning who asked for Council's comments on the PEA;
- Council has been advised that the Department of Commerce who are preparing the architectural and designs works for the expansion of the Lithgow Correctional Centre, that the development application will be lodged in March 2007;
- As the development has been determined to be of state significance (being valued at over \$50+M) the Department of Planning is the determining authority not Council;
- The Department of Commerce has advised that the Correctional Centre in Wellington utilised 78% local resources in the construction phase and there is an expectation that a similar local content for the provision of labour would be sought for the Lithgow Centre expansion;
- The Department of Corrective Services has already advised Council in a previous presentation that the project is likely to employ between 80-100 people in the construction phase and will likely result in a further 40-80 additional staff. Of the existing staff employed at the centre, 81% live locally. Corrective Services further advised that the current facility generates \$13M wages p.a. and purchases \$6-7M local products.
- Construction of the 250 bed minimum security addition to the existing facility in Lithgow is expected to be initiated in mid 2007 with construction completion timetabled for mid 2009 and the extension being operational by late 2009.
- The Department of Commerce has advised that they will provide two shop front services to provide information to the community. The first will be for a 2 day period expected to be in March to provide information on the job opportunities and general scope of the project and a second more extensive exhibition period will be held locally when the development application is on public exhibition.

- An update to the 1998 Socio-Economic Impact Statement has been prepared and is attached to this report for Council's information. This report refers to the existing facility. The Department of Commerce has advised a similar assessment will accompany the Development Application for the extension impacts upon the community.
- The Department of Commerce have been invited to address the Council on 19 February 2007 to provide further information on the social impact study works which have been done to update the Impact Study produced in 1998 when the original centre was proposed.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil for Council. There is an estimated impact brought about by the direct and indirect construction and ongoing management of the extended facility.

LEGAL IMPLICATIONS

Nil

CONCLUSION

The Minutes of the meetings of the Lithgow Correctional Centre provide Council with an update of the progress on the expansion project.

07- 49 RESOLVED

THAT:

1. Council note the minutes of the Lithgow Correctional Centre Consultative Committee held on 3 October 2006 and 13 December 2006;
2. Council note the provision of the Lithgow Correctional Centre Interim Update of 1998 Socio-Economic Impact Assessment;
3. Council note the information pertaining to the process for the Department of Commerce to lodge the development application for the extension of the Correctional Centre in Lithgow to the Department of Planning and note that the Department of Commerce and Department of Corrective Services plan to host two public exhibition sessions to be conducted to update the community on the project.

MOVED: Councillor A E Thompson

SECONDED: Councillor M J Wilson.

CARRIED

ITEM:6 COMM - 19/02/07 - DRAFT LITHGOW CITY LOCAL ENVIRONMENTAL PLAN (AMENDMENT NO. 12)

REPORT FROM: POLICY & PLANNING MANAGER – A MUIR

REFERENCE

05-578: Planning, Policy and Development Committee, 14 November 2005
06-239: Finance and Services Committee, 7 August 2006
06-264: Council Meeting, 21 August 2006

SUMMARY

The Draft Lithgow City Local Environmental Plan 1994 (Amendment No. 12) has been prepared, exhibited and forwarded to the Department of Planning requesting that it proceed towards Ministerial Approval.

COMMENTARY

Council will recall that it has resolved to prepare amending draft local environmental plans (LEPs) regarding locational controls for home occupation (sex services), restricted premises, sex services premises and interim/transitional planning controls for part of the former Evans Local Government Area (LGA) which is now located in the Lithgow LGA. The Department of Planning (the Department) requested that the amending LEPs be combined and be known as draft Amendment No. 12. In addition, the Department requested that Council provide further advice on the prohibition of home occupation (sex services) in all zones. It was ascertained that a strict prohibition of home occupation (sex services) in the Lithgow LGA was not in line with State Government thinking and unlikely to be allowed. Therefore, it was negotiated that home occupation (sex services) be permitted in Zone No. 4 . Industrial, the same as sex services premises.

Subsequently, the Draft Lithgow City Local Environmental Plan (Amendment No. 12) (Draft LEP) was prepared and has been exhibited with no submissions being received. Therefore, the Draft LEP has been forwarded to the Department requesting that it proceed towards Ministerial Approval.

POLICY IMPLICATIONS

The Draft LEP proposes a policy direction.

FINANCIAL IMPLICATIONS

The cost of preparing and exhibiting the Draft LEP has been funded from the Policy and Planning Recurrent Budget.

LEGAL IMPLICATIONS

The Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000 set out the legal process that must be followed for the preparation, exhibition and making of a LEP.

07- 50 RESOLVED

THAT the information be received.

MOVED: Councillor M J Wilson
CARRIED

SECONDED: Councillor W McAndrew.

ITEM:7 COMM - 19/02/07 - SEC 356 DONATIONS

REPORT FROM: COMMUNITY AND CULTURE MANAGER – P. HALL

REFERENCE

- Minute 06-162: Finance and Services Committee 5 June 2006
- Minute 06-183: Council Meeting 19 June 2006
- Minute 06-229: Finance and Services Committee 7 August 2006
- Minute 06-292: Finance and Services Committee 4 September 2006
- Minute 06-332: Finance and Services Committee 3 October 2006
- Minute 06-378: Finance and Services Committee 6 November 2006
- Minute 06-439: Finance and Services Committee 4 December 2006

SUMMARY

To advise Council of payments allocated in 2006/07 from Local Government Act Section 356 donations which have been approved by Council resolution or as previously approved through the process to adopt the Management Plan for 2006/07 and to further seek Council consideration for current requests.

COMMENTARY

Council allocated \$20,000 in the 2006/09 Management Plan for donations approved under Section 356 of the Local Government Act.

As at 4 December 2006 the following payments have been made:

DATE	ORGANISATION	ASSISTANCE	AMOUNT
Management Plan Allocation 2006/07			\$20,000.00
24.07.06	GLATSIC Naidoc Week	Cont :Min 06-162 05.06.06	500.00
04.08.06	Lithgow High School	Presentation Day : as per Policy	50.00
07.08.06	Bicentennial National Trail	Refund DA Fees: Min 06-229	261.95
04.09.06	Lithgow Country Women's Assoc	General Rate Component Min 06-292	417.21
04.09.06	Wallerawang Country Women's Assoc	General Rate Component Min 06-292	408.69
04.09.06	Portland Dist Motor Sports	Sponsorship (Following Advertising) Min 06-292	60.00
04.09.06	Lithgow & District Poultry Club	Sponsorship Min 06-292	300.00
04.09.06	Lithgow Golf	Sponsorship (Following Advertising) Min 06-292	1,000.00
04.09.06	Crystal Theatre Com Cinema	Sponsorship (Following Advertising) Min 06-292	500.00
04.09.06	Lithgow Greyhound Club	Sponsorship (Following Advertising) Min 06-292	4,350.00
03.10.06	Mitchell Conservatorium Inc	Scholarships for local students Min 06-332	275.00
03.10.06	Pied Piper Preschool	Assistance with equipment purchase Min 06-332	50.00
06.11.06	Blinky Bill Child Care	Assistance with Fundraising Min 06-378	50.00
06.11.06	Portland Golf Club	Sponsorship Min 06-378	750.00
06.11.06	Portland Central School	Annual Presentation Min 06-378	50.00
06.11.06	Ironfest	Assistance with rental 2005/06 Min 06-378	2,840.00

04.12.06	Cullen Bullen Progress Assoc	Rates assistance Min 06-439	\$313.21
04.12.06	Lithgow Small Arms Rifle Club	Open championship prize Min 06-439	\$50.00
04.12.06	Lithgow Workmen & Valley Women & Bowling Club	Assistance with Versatility Sixes Min 06-439	\$50.00
04.12.06	Rydal A H & P Society	Cash and in-kind . Heavy horses display Min 06-439	\$300.00
04.12.06	Xmas and Beyond	Xmas for disadvantaged Min 06-439	\$100.00
04.12.06	Cullen Bullen Public School	Annual Presentation Min 06-439	\$50.00
04.12.06	Zig Zag Public School	Annual Presentation Min 06-439	\$50.00
04.12.06	Coorwull Public School	Annual Presentation Min 06-439	\$50.00
04.12.06	Lithgow Public School	Annual Presentation Min 06-439	\$50.00
			\$12,876.06
Total: Sec 356 Donations to 04 December 2006			\$7,123.94
2006/07 Allocation Remaining			\$7,123.94

Council is in receipt of the following requests for assistance and determination is required:

1. **First Portland Scout Group – Request not disclosed – \$50.00 donation recommended.**
Assistance for any financial help.
2. **Capertee and District Progress Association Inc. – Request for assistance \$2,000 - Recommendation - \$0.00**
Financial assistance for beautifying the garden area around the hall is requested. The progress association has already been given \$771.95 for photo frames in 2006/07.
3. **Lithgow District Volunteer Rescue Squad Inc – Request for assistance of \$55.00 – Recommendation no donation as contrary to Council’s policy on waiving building rental fees**
A letter was received from the Lithgow District Volunteer Rescue Squad Inc. asking for consideration to waive the hiring fees for the Union Theatre for an All Ages Concert with the local band Pilot on the 12th or 19th May 2007 to raise funds for the Rescue Squad. The cost for the hall hire for four hours by a community group is \$55.00 as set in Council’s Fees and Charges. However this request is contrary to the policy and is therefore not recommended.
4. **Western Academy of Sport – Listed in the Section 356 Policy for recurrent funding in the Management Plan. Request reimbursement of \$138.60 pool entry fee.**
During the Western Region Academy of Sport Netball camp the Lithgow Olympic pool facilities were used for a recovery session for the athletes. The cost of \$138.60 has been paid by the Academy but consideration is requested for a reimbursement of the pool entry fee for the athletes. Forty two athletes participated in the session at a cost of \$3.30 each.
5. **Lithgow Show Society Request for assistance of \$8,500- \$8,000 recommended (assistance of \$1,000 provided in past years) Listed in the Section 356 Policy for recurrent funding**
A letter has been received from the Lithgow Show Society requesting a partnership with Lithgow City Council to assist in the staging of the 2007 Show. The Society would like Council to sponsor the main event the SHOWTIME FMX the high flying large motorbikes on the Friday evening 30th March 2007.

6. **Lithgow Enterprise Development Agency Inc** - Assistance with final audit fees. Recommended donation of \$869.00 following appropriate advertising. Council is in receipt of a request from the Lithgow Enterprise Development Agency Inc (LEDA) requesting payment of \$869.00 for the final audit fees of the organisation. The request indicates all funds were transferred to Council following the winding up of the organisation and advise they no longer have the capacity to pay the account.

Council considered the transfer of funds from LEDA at the Ordinary meeting of 18 April 2006 and Minute 06-110 resolved:

06- 1 RESOLVED

THAT:

1. *Council agree to accept the liquid assets from LEDA and to internally restrict such funds for the purpose of:*
 - *To seek out and encourage the establishment of new business in the Lithgow region.*
 - *To assist existing business to prosper and expand.*
 - *To assist and encourage new development in the region.*
 - *To promote the advantages of living and working in Lithgow.*
2. *Council thank LEDA for its operations and benefits it has provided to the growth and development of Lithgow since its inception.*

A cheque for \$17,580.60 was received by Council on the 5 December 2006 and as resolved has been internally restricted for future economic development. Should Council wish to assist LEDA it is recommended this be by the way of a Section 356 donation following appropriate advertising.

Council has received an application to assist the Air League State Drill Competition to be held in September 2007. This will be represented to Council as part of requests received for the 2007/08 Management Plan.

POLICY IMPLICATIONS

Payments in accordance with Donations Policy are recommended.

FINANCIAL IMPLICATIONS

Donations of \$12,876.06 have already been approved from \$20,000 allocated in the 2006/07 Management Plan. \$9,057.00 is the additional allocation requested. The budget would then be overspent by \$1,933.66

LEGAL IMPLICATIONS

Nil

RECOMMENDATION

THAT:

1. Council note donations of \$12,876.06 made under Section 356 arising from previous resolutions or as included in the Council's Management Plan and those assessed in accordance with Council's Donations Policy;
2. Following appropriate advertising for donations to the following organisations, where necessary, Council grant funds from the budgeted Section 356 allocation as follows:

ITEM	ORGANISATION	AMOUNT
1)	First Portland Scout Group	\$50.00
2)	Capertee and District Progress Association	\$0.00
3)	Lithgow District Volunteer Rescue Squad Inc.	\$0.00
4)	Western Academy of Sport	\$138.60
5)	Lithgow Show Society	\$8000.00
6)	Lithgow Enterprise Development Agency Inc	\$869.00
	TOTAL	\$9,057.60

3. The \$20,000 Section 356 donations budget is now overspent by \$1,933.66 so there are no funds available for further donations to the community for the rest of the 2006/07 financial year.
4. An adjustment of \$1,933.66 be identified from an existing budget area and transferred to donations to balance the donations expenditure and reduce other expenditure for no net increase to Councils expenses.

07- 51 RESOLVED

THAT:

1. Council note donations of \$12,876.06 made under Section 356 arising from previous resolutions or as included in the Councils Management Plan and those assessed in accordance with Councils Donations Policy;
2. Following appropriate advertising for donations to the following organisations, where necessary, Council grant funds from the budgeted Section 356 allocation as follows:

ITEM	ORGANISATION	AMOUNT
1)	First Portland Scout Group	\$50.00
2)	Capertee and District Progress Association	\$0.00
3)	Lithgow District Volunteer Rescue Squad Inc.	\$0.00
4)	Western Academy of Sport	\$138.60
5)	Lithgow Show Society	\$8000.00
6)	Lithgow Enterprise Development Agency Inc	\$869.00
	TOTAL	\$9,057.60

3. The \$20,000 Section 356 donations budget is now overspent by \$1,933.66 so there are no funds available for further donations to the community for the rest of the 2006/07 financial year.
4. An adjustment of \$1,933.66 be identified from an existing budget area and transferred to donations to balance the donations expenditure and reduce other expenditure for no net increase to Councils expenses.
5. The Capertee Progress Association request be given a high priority in the 2007/08 budget and assistance with ACC Regional Partnership Program.
6. Council consider becoming a Gold Sponsor of the Blue Light Unit at Capertee in the 2007/08 and beyond budget

MOVED: Councillor B P Morrissey
CARRIED

SECONDED: Councillor M J Wilson.

ITEM:8 COMM - 19/02/07 - POLICIES UPDATE

REPORT FROM: GROUP MANAGER – COMMUNITY AND CORPORATE – K. Woolley

REFERENCE

- Minute 06-359: Policy and Strategy Meeting 6 November 2006
- Minute 06-414: Policy and Strategy Meeting 4 December 2006
- Minute 06-461: Ordinary meeting of Council 18 December 2006

SUMMARY

The policies for Customer Service, Lithgow Learning Centre Child Protection, Liquid Trade Waste Approvals, Removal of Trees from Public Lands, Excessive Water Usage Allowance for Breakages, Footpath Maintenance and Repair and Roadworks . Provision of Unusable Materials to Property Owners have completed exhibition and the report provides details of the only submission received on these policies and recommends their finalisation.

COMMENTARY

A number of policies have now completed their exhibition and are submitted to Council for finalisation.

Council resolved to place the Footpath Maintenance and Repair Policy on exhibition on 6 November 2006 (Minute 06-359) and no submissions were received on the policy so it is recommended to Council for adoption.

Council resolved at its meeting of 4 December 2007 (Minute 06-414) that the draft policies for Customer Service, Lithgow Learning Centre Child Protection, Removal of Trees from Public lands and Excessive Water usage Allowance for Breakages be placed on exhibition. Council is advised that during the exhibition period one (1) submission was received relating to the Customer Service Policy only.

The submission on the Customer Service Policy is summarised as follows:

Submission comments	Response
<p>Reads a bit like an anti - customer service policy because it contains some general statements about council's obligations, (a minor part of the document). The majority seems to be about how council can justify denying people access to council's services or officers</p>	<p>Disagree . Half of the bullet points in the draft document relate to the 4 Objective points and the first 7 numbered points in the draft document are concerned with establishing the services Council will offer its customers.</p> <p>However, a bullet point 8 has been inserted that indicates there is a requirement for observation of the Council's Code of Conduct and in particular, the obligations to observe the key principles of integrity, objectivity, accountability, openness and respect. It is shown in bold in the attached re-drafted policy.</p> <p>11 points in the Policy cover how Council will deal with Customers who feel they are not satisfied with the response given or act in a manner that requires Council to consider how it may effectively deal with them. The Council would</p>

	<p>always consider very carefully denying access for any purpose and the policy is explicit in illustrating that such actions would be taken only if other avenues had been exhausted or the customer's behaviour was such that they had become unreasonable to deal with.</p> <p>The further two points in the Policy are general in nature.</p>
<p>A lot of problem complainants become so because of poor client service skills, and because their needs and expectations are not being met</p>	<p>Council's aim is to ensure there are policies in place to reduce the number of complainants who are not satisfied with the service offered to them. Implementing a Customer Service Policy and establishing a one stop shop approach to customer service has enhanced the levels of service offered by making it simpler for those asking questions of Council. The establishment and revisiting of Policies such as the Customer Service Policy will increase the levels of customer satisfaction.</p>
<p>ō suggest your policy include a mandatory review by an independent and professionally skilled third party prior to imposing any denial of service. This third party would interview both council staff and the complainant. That way the complainant can be assured of fair and equitable treatment, and the third party might have some important continuous improvement suggestions to offer to council in order to improve their policies and/or client service.</p>	<p>Agree . partially - an inclusion of a reference (into clause 12 (c)) provides how a customer can identify options which are detailed in Council's Code of Conduct for further actions has been added to the policy in the re-drafted version.</p> <p>Denial of service is an extreme and last resort step and requires the assessment of the General Manager and will result in a report to Council.</p> <p>However, arising from this suggestion, a process of defining the internal review process in more detail can be investigated to ascertain the extreme circumstances where the Council may restrict or deny further response to continued questioning on the same topic, particularly when no new information is available.</p>
<p>The policy is short on measurable client service standards</p>	<p>Agree . there is room to expand on the levels of service and turnaround times and this approach is being developed as part of an overall review of the key performance indicators Council will report on through the Management Plan process for 2007/08. It is anticipated the 2007/08 Management Plan which is currently being developed will be placed on exhibition in April/May of this year.</p> <p>This approach can also be worked on over time as Council is committed to reviewing the policies it has created on an annual basis.</p>
<p>It does not mention access to staff at site visits and any fee that may apply</p>	<p>While this point is a little unclear, fees and charges are detailed in Council's Management Plan.</p>
<p>It references a complaints resolution policy, but the link on your website is inactive - do you have one?</p>	<p>There are several policies which supplement the Customer Service Policy including the Complaints . Disclosures of Identity . Freedom of Information Policy, Complaints and Procedures Policy, Code of Conduct and Protected Disclosures Policy. Clause 10 (c) has been adapted to list these policies in the attached revised version.</p>

	<p>Council is in the process of getting all policies added to the website and all policies are available from the Customer Service centre in the Administration building or can be mailed upon request.</p>
<p>ō the following references be included: Council's commitment to staff development and training in the delivery of customer service.</p>	<p>Council's commitment to the development of staff is reflected in the training plan which is required to be developed annually by all councils. Ongoing internal training is a commitment already made by Council.</p>
<p>ō Access to an independent complaints resolution protocol, for example a community justice centre. I would certainly expect this to happen before you denied anyone access to council services or officers, to ensure accountability and prevent allegations of prejudice in the application of those protocols.</p>	<p>Disagree . it would be in exceptional circumstances as explained above where service would be denied.</p> <p>Denial would arise from vexatious behaviour and where all available and suitable information had been supplied but a customer remains un-accepting of the decision of Council. While rare, it is unfortunate that this situation can arise and hence the policy position is necessary.</p> <p>Allegations of prejudice or failure by staff to complete duties for which a customer considers the Council is accountable need to be referred to the General Manager for an internal review as dictated in Council's Code of Conduct.</p> <p>In any case, the Policy requires denial of service to be a decision of the General Manager after consideration of what had been supplied in response to inquiries and would be a decision that would be reported to Council.</p>
<p>ō strongly suggest that your policy include a commitment that any decisions made by council be backed up by reference to a council policy or piece of legislation, if a client requests it. Otherwise your officers will appear to be making things up as they go along, and once again leave themselves open to allegations of partiality in the way they conduct council's business. If there is no legislation or policy in relation to the issue at hand, this should be explained to the client and council's decision justified. This is essential, as the client then has an opportunity to petition council to develop the relevant policy, and/or appeal any decision which was based on discretion alone.</p>	<p>Point 8 has been added with reference to this suggestion.</p> <p>Council staff must comply with the Council's Code of Conduct and must therefore execute their duties with accountability. It would be a breach of the Code of Conduct if Council staff were to make things up and any allegations of this sort of behaviour would be subject of internal investigations. A specific element of the Code of Conduct refers to the need for compliance with legislation and Council's administrative procedures.</p> <p>The Council has embarked on a broad reaching program of improving governance and has re-drafted in excess of 75 policies and codes to ensure compliance is with the Council's policy position and relevant legislation.</p>
<p>ō suggest you provide access to other lines of complaint, including the Ombudsman and Minister for local government.</p>	<p>Council's Complaints and Procedures Policy is referred to in point 8 of the Customer Service Policy. These documents provide the necessary information but reference has also been added to clause 12 (c).</p>
<p>You should have the appropriate brochures on display in the office, and be prepared to mail them to complainants if necessary. Not everyone</p>	<p>Council has all policies available at the Administration office. Copies are also available to be mailed upon request.</p>

has access to the internet.	Any document which has a fee associated with its provision is identified in Council's Management Plan and those requesting copies of any document are advised of any charges which apply. Many of Council's documents, and all policies, are provided free of charge. Council's website is currently being reviewed to provide enhanced content and ease of usage. Ultimately all policies will be included.
The policy should include your officer's code of conduct guidelines if you have any.	Agree - the Policy has been updated with a section on the applicability of the Code of Conduct which is already in place in a number of places.
I would also suggest you review the draft policy document by reference to some very good guidelines on the NSW ombudsman's site.	Agree . review of the contents of other documents can be undertaken and a revised Policy re-presented to Council. The Council has committed to a 12 monthly review of policies as a general operational procedure. At this stage it is planned to update the policies required but a review using other aides can be accommodated in subsequent versions.
I think your document should be client service focussed and be 90% about the wonderful way council will meet the needs of ratepayers and citizens, and maybe 10% about the way it will deal with things when a complainant becomes difficult.	Agree . subsequent versions can consider inclusion of the sections on dealing with unsatisfied customers into other relevant policies and leaving the Customer Service Policy more as a charter.

Council resolved in the 18 December 2006 (Minute 06-461) to place the Draft Liquid Trade Waste Approvals Policy and the Road Works . Provision of Unusable Materials to Property Owners on exhibition. No submissions were received and it is presented to Council for endorsement.

POLICY IMPLICATIONS

The listed policies have recently completed exhibition and therefore will represent the policy position in each topic area.

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

CONCLUSION

It is recommended that Council adopt those policies which have been exhibited without submissions having been received unchanged from the draft versions presented to Council on previous occasions. The Customer Service Policy is presented to Council after consideration and inclusion of some of the suggestions from a submission received and the revised version is recommended to Council to become the finalised version of the Policy.

07- 52 RESOLVED

THAT:

1. Council adopt the following policies and place them into the Council's Policy register as they have completed exhibition and no submissions were received on them:
 - Liquid Trade Waste Approvals Policy
 - Lithgow Learning Centre Child Protection Policy
 - Roadworks . Provision of Unusable Materials to Property Owners Policy
 - Excessive Water Usage Allowance for Breakages Policy
 - Removal of Trees from Public Lands Policy
 - Footpath Maintenance and Repair Policy
2. Council endorse the proposed changes to the Customer Service Policy arising from the submission received as noted in the attached re-drafted policy provided to Councillors and that the re-drafted Policy be adopted as the Customer Service Policy and it be placed into the Council's Policy register;

MOVED: Councillor B S Moran

SECONDED: Councillor M J Wilson.

CARRIED

ITEM:9 COMM - 19/02/07 - DRAFT LEASING OF COUNCIL PROPERTY POLICY

REPORT FROM: POLICY & PLANNING MANAGER – A MUIR

REFERENCE

Nil

SUMMARY

This report provides Council with a draft Leasing of Council Property Policy for consideration and placement on public exhibition.

COMMENTARY

Council will be aware that from time to time it considers reports requesting the Common Seal to be affixed to Deed of Leases. A problem arises when the negotiations are finalised but the Deed of Lease can not be executed until a Council meeting. Therefore, a legal opinion has been sought advising that it is not necessary for leases to be executed under the Common Seal. Subsequently, a draft Policy has been prepared which requires Council to set annually the rental amount for leasing properties and delegates to the General Manager authority to execute leases in accordance with the set rental amount by Council.

POLICY IMPLICATIONS

The draft Policy will form Council policy if adopted after consideration of any submissions received during the exhibition period.

FINANCIAL IMPLICATIONS

The draft Policy, if adopted will have financial implications for income received from leased property.

Also, the cost of advertising can be funded from the Policy and Planning Recurrent Budget.

LEGAL IMPLICATIONS

The draft Policy requires that standard leases be utilised which will comply with all legislative requirements.

07- 53 RESOLVED

THAT:

1. Council exhibit the draft Leasing of Council Property Policy for a period of 28 days and present the finalised policy back to Council for its further consideration;
2. Council delegate the General Manager to execute leases and the delegations register be updated accordingly.

MOVED: Councillor M M Collins

SECONDED: Councillor M J Wilson.

CARRIED

ITEM:10 COMM - 19/2/07 - PAYMENT OF EXPENSES AND PROVISION OF FACILITIES POLICIES

REPORT FROM: GROUP MANAGER – COMMUNITY AND CORPORATE – K. Woolley

REFERENCE

Minute 06-369: Ordinary Meeting of Council 16 October 2006

SUMMARY

Council considered the Payment of Expenses and Facilities to Councillors Policy and adopted the policy in October 2006. The Policy has been reviewed and some additions are provided to Council for consideration to clarify points contained in the policy and in the case of legal and insurance issues include details of what Councillors coverage exists.

COMMENTARY

The changes illustrated on the attached draft policy (shown in bold and italics) represent some proposed changes to the existing policy last considered by Council in October 2006. Further suggestions made in the Guidelines for the type of Policy have been considered.

The reviewed policy has been updated to reflect the following:

- Explicit reference to overseas travel of Councillors and the means of claiming expenses is made clearer and is more defined in addition to the express need for the identification of the benefit to the community and the nexus to Council policy

- Explicitly identifying no payment of expenses to spouses, partners or accompanying persons is permitted with the exception of purchase of tickets to the Lithgow Business Association Annual Awards dinner;
- Payment limits for telephone calls made from a councillor's private telephone are specifically included and limited to \$50 per financial year;
- Payment of special carer needs expenses have been added to ensure equity and access principles are provided for. An annual amount of up to \$250 is suggested to Council but this would only be available to individual councillors who are able to demonstrate that special care needs are required in order for them to execute their official Council functions and would require a resolution of Council to be enacted;
- Details of insurance and legal expenses coverage has been added as suggested in the guidelines;
- Inclusion of the Shires Association Conference has been included where references identified the LGA Conference however attendees would still be required to be specifically named by way of a council resolution to attend and payment would be from the Councillors Discretionary Vote thus not increasing the expenses already allocated.

The Department of Local Government circular Guidelines for the payment of expenses and the provision of facilities to Mayors and Councillors (06-57) has been consulted in making these suggestions to council.

POLICY IMPLICATIONS

The proposed changes constitute alterations to Council's policy position. While some changes can be considered to be minor it is recommended to Council that the policy be re-exhibited in the interests of transparency and openness.

FINANCIAL IMPLICATIONS

The inclusion of specific amounts for special needs and telephone accounts provides greater clarity and certainty in financial terms.

LEGAL IMPLICATIONS

NIL

CONCLUSION

The updated Payment of Expenses and Provisions of Expenses Policy is recommended to Council and following appropriate exhibition in accordance with the Local Government Act and the associated regulations it can be updated to ensure greater compliance with the Guidelines published by the Department of Local Government.

07- 54 RESOLVED

THAT:

1. Council place the reviewed draft Payment of Expenses and Provision of Expenses Policy on exhibition for 28 days;
2. At the conclusion of the exhibition period any submissions will be assessed and reported to Council;
3. The Department of Local Government will be provided with the updated draft and exhibition timeline and when concluded a copy of the finalised policy.

MOVED: Councillor M M Collins
CARRIED

SECONDED: Councillor M J Wilson.

ITEM:11 COMM - 19/02/07 - CODE OF MEETING PRACTICE

REPORT FROM: GROUP MANAGER – COMMUNITY AND CORPORATE – K. Woolley

REFERENCE

Minute 06-248: Policy and Strategy meeting 7 August 2006
Question without Notice: Councillor H K Fisher regarding complaints from the public in regards to the process for public questions at the council meetings.
Question from Councillor M Ticehurst: regarding the taping of meetings in the Chamber.

SUMMARY

The Council considered updates to the Code of Meeting Practice in August 2006, placing a revised version on exhibition.

Since this time discussions have arisen regarding the process for the public to address the gallery and the taping of meetings held in the Chamber.

Additionally, a process of reporting works requests has been formalised and identified in the Code to assist Councillors in ensuring matters brought to their attention are able to be logged and acted upon without having to wait for the next meeting of Council.

Templates for notices of motion, rescission motions and requests for extraordinary meetings of Council have also be developed and included as appendices.

It is also recommended to Council that the Code include the procedure for the withdrawal of items after publication in the Business Paper as this has arisen in the past.

COMMENTARY

The Code of Meeting Practice has been updated and a new version is attached. The Code has the following alterations which are recommended to Council arising from its reconsideration and debate in the Chamber from items raised by Councillors.

Presentations/questions from the public gallery:

Questions from the gallery are covered in clause 65 and specifics for the mechanics to be followed are included in subclauses (vi) and (x) of the Code of Meeting Practice which state:

(vi) *The first 30 minutes of meetings of Ordinary Council Meetings, Extraordinary Council Meetings and meetings of the Council's Principal Committees are available for members of the public to address the Council or Principal Committee or submit questions, either verbally or in writing, on matters included in the Business Paper. Members of the public will be permitted a maximum of 3 minutes to address the Council or Principal Committee. An extension of time may be granted if deemed necessary by the Council or Principal Committee.*

ō

(x) *Members of the public wishing to address the Council, Extraordinary or Principal Committee Meetings are requested to contact Council prior to 12 noon on the day of the meeting and register their intention to address the Council or Principal Committee Meeting. [LP]*

No alteration to the current process as indicated in the extracts from the Code is recommended.

The clauses indicate that a member of the public should contact Council to book a time to address on issues contained in the Business Paper.

The process for raising items which would be better dealt with as submissions to the Customer Service Centre as Action requests rather than waiting until a Council meeting is held is covered later in this report. If a customer contacts Council seeking to make presentation of items not contained in the Business Paper for the meeting they seek to address they will be directed to the Customer Service centre and an Action Request will be raised to ensure the matter is processed appropriately.

Taping of meetings:

There are currently no facilities in the Chamber to tape record meetings. The Code deals with the taping of meetings in Clause 16.

It is recommended that the Code be adjusted to indicate should Council determine in setting expenditure through the Management Plan process to implement recording devices in the future, there is adequate provision for taping to occur. This has been achieved by altering the word *will* to *may* in Clause 16 so that should Council determine it will implement a recording system the Code does not have to be altered.

However, assessing this issue gave rise to some other recommended alterations to Clause 16. The recording of minutes is for the verification of official printed minutes only.

It is recommended that the Code be adjusted to illustrate that the purpose of taping is for confirmation of minutes and that the official printed minutes of any meeting remain the true record of the meeting. There is specification of who would have access to the tapes or other electronic recording media and that they would not be made available in general. They are to be destroyed within 3 months of the meeting occurring or before if Council has ratified minutes of a meeting.

It is noted that taping or recording of a Council or Committee meeting by the media is covered in clause 71 and 72 of the Code which prohibits recording of a meeting, other than by those institutions listed in Clause 72, without a specific resolution of Council to allow the recording to occur. This applies to video taping and any form of electronic recording.

It is recommended that Clause 16 be adjusted as follows:

16 MINUTES - SOUND RECORDING [LP]

- (i) Council's Principal Committees may be recorded electronically in "open committee" ;*
- (ii) Ordinary and Extraordinary meetings of the Council may be recorded electronically in "open Council".*

- (iii) A master recorded copy of Council and Committee Meetings will be retained in safe custody within the Council. The purpose of recording the minutes of a meeting are to provide a means to verify the official minutes when they are being prepared.*

- (iv) Recordings will be accessible to Council staff for the purpose of confirmation of the minutes and will not be made available to other persons.*

- (iv) The master copy will be destroyed after three (3) months of being made.*

- (v) Recordings do not replace the official minutes as adopted for any meeting held in the Chamber and once the official minutes have been endorsed recordings can be destroyed without waiting for the expiry of the 3 month period identified as the maximum retention timeframe in sub clause (iv) above.*

- (vi) Audio recording equipment may be made available for any other committee or working group upon request provided that the subject meeting is conducted in the Council Chambers.*

- (vii) Recording by external parties is dealt with in Clauses 71 and 72 of the Code.*

Withdrawal of items listed in the Business Paper:

It is recommended that an item be inserted into the Code that specifies how an item can be withdrawn from the Business Paper after it has been published and the following are the suggested criteria and processes for this to occur with Clause 19 subclause (v) to be inserted to read:

(v) Items listed in the Business Paper for an Ordinary or Principal Committee meeting of the Council may be withdrawn under the following circumstances:

- *The General Manager advises Council of the recommendation to withdraw an item from the Business Paper of a Council or Committee meeting of Council which has been prepared by staff. The General Manager will advised Council of the reason for the withdrawal, such as new information having been obtained subsequent to the publication of the report on a matter;*
- *A Council resolution is moved and seconded and assented to in the normal manner which seeks to withdraw a report prepared and submitted by a Councillor as a delegate or other Councillor written report which has been published in the Business Paper of a Council or Committee meeting of Council.*

Additional appendices:

To assist in the lodging of Action requests for operational matters, it is proposed to attach to the Code of Meeting Practice a template which can be filled out at any time rather than waiting for a Council or Principal Committee meeting to occur when a councillor wishes to identify to staff an operational matter which requires attention. Clause 19 is recommended to be amended to accommodate the inclusion of the template as follows:

(vi) Requests for actions to be taken that are of an operational basis should be made via the established Actions Request process rather than tabled at Council meetings. Councillors may make use of the template for action requests attached as an appendix for operational items which they wish to have investigated or arise from representations from the community for works requests.

The second new attachment is a template for councillors seeking to call an extraordinary meeting of Council.

The third new attachment is a template for Councillors who wish to list a notice of motion which would be considered by the General Manager for inclusion in the Business Paper of the next most suitable meeting.

A fourth new attachment is a template for councillors who wish to list a rescission motion in accordance with Clause 38 of the Code and Section 372 of the Local Government Act 1993.

With reference to Section 362 of the Local Government Act 1993, Council should determine if it considers implementing the recommendations in the report or it wishes to place the Code back on exhibition prior to finalising the document. The recommended actions detailed in this report could be considered to be reflective of common practice the Council has operated under for some time for the most part. Council's determination of the need to exhibit or not should arise from which items Council considers need to be added to the Code and if the changes constitute substantial change to the Code.

POLICY IMPLICATIONS

The updates recommended alter a policy document of the Council.

FINANCIAL IMPLICATIONS

NIL

LEGAL IMPLICATIONS

NIL

CONCLUSION

The Code of Meeting Practice can be updated and finalised with the suggestions made in the report and they are recommended to Council for endorsement.

RECOMMENDATION

THAT the Code of Meeting Practice be finalised with:

1. The inclusion of the alterations to the clauses and subclauses as detailed in the report;
2. Determination by Council if it wishes to place the amended Code on exhibition;
3. Copies of the updated Code be distributed to all Councillors and Senior staff and be placed in the Council's Policy Register and upon the Council's website when finalised;
4. Action requests be lodged with Customer Service rather than through Council meetings to ensure actions can be investigated rapidly.

A **MOTION** was called from Councillor H K Fisher and A E Thompson to recall the issue of public questions time and the way it is to be presented.

07- 55 RESOLVED

CARRIED

07- 56 RESOLVED

THAT the Code of Meeting Practice be finalised with:

1. The inclusion of the alterations to the clauses and subclauses as detailed in the report;
2. Council place the amended Code on exhibition for 28 days
3. Copies of the updated Code be distributed to all Councillors and Senior staff and be placed in the Council's Policy Register and upon the Council's website when finalised;
4. Action requests be lodged with Customer Service rather than through Council meetings to ensure actions can be investigated rapidly.
5. In the section of "Presentations and Questions from the Public Gallery", the time allocated for questions to be submitted to Council be changed from 12pm to 4pm the day of the meeting.
6. A further report be submitted at the conclusion of the exhibition process.

MOVED: Councillor B S Moran
CARRIED

SECONDED: Councillor A E Thompson.

CLOSED REPORTS

ITEM:12 GM - 19/02/07 - CONFIDENTIAL REPORT - GAS WORKS SITE
CONFIDENTIAL

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d)(g) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (d) commercial information of a confidential nature that would if disclosed:
 - (i) prejudice the commercial position of the person who supplied it

It is considered the discussion of this matter in Open Council would be contrary to the Public interest as it would prejudice Council's position in negotiating the matter, accordingly, it would not be in the public interest to discuss this matter in open Council.

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

07- 57 RESOLVED

THAT Council consider this report in the closed Council pursuant to the provision of Sec 10(A) (2) (d) (g) of the Local Government Act 1993.

MOVED: Councillor B P Morrissey

SECONDED: Councillor W McAndrew.

CARRIED

QUESTIONS WITHOUT NOTICE

19/02/07 - QWN - COUNCILLOR M F TICEHURST

Mr Mayor

1. Could the Council provide a report into the recent and future use of water from Lake Pillans for use by both small and large Fire Fighting Helicopters and investigate the possibility of establishing additional town Lakes for future firefighting and possible recreational usage?

If the elected Council resolves to request such a report then it shall be provided.

2. Is the Council aware of any impending or current individual or class legal action by Main Street Business and Shop Owners and their insurers, against the Lithgow City Council over recent storm and water damage to shop premises in Main Street?

Two items of correspondence have been received, however no notice of any proceedings can be located.

3. Could the Council provide a public update on the current status of the Department of Local Governments Promoting Better Practice Review of the Lithgow City Council which was undertaken last September 2006?

A confidential draft report was submitted to all Councillors with tonight's business papers for consideration to be discussed at a confidential workshop to be held on 28 February 2007.

4. Is the Council aware that many other Public and Government Departments have already initiated, developed and adopted policies with respect to the public impact of the Avian Flu or Bird Flu on the Greater Lithgow community?

Does the Lithgow City Council have a public policy on this matter, if so what is it, if not, will the Council initiate, develop and adopt a policy?

Council is aware that other departments have developed responses to Bird Flu or Influenza Pandemics in general.

NSW Health released in January this year an, "Area Health Service Pandemic Influenza Planning Guidance."

The aim of this guidance is to develop a plan to identify measures and mitigating strategies to protect the community and minimise the impact of an influenza pandemic.

Council will work with the Sydney West Area Health Service to develop this plan. Council will also need to consider as part of this development its response in maintaining critical infrastructure such as water and sewage treatment plants in addition to maintaining its business function in the advent of an outbreak.

5. Could the Council provide a legal report to Councillors on their personal and Councillor obligations under the NSW Workplace Deaths legislation?

Reference is given to the OHS Policy adopted at the meeting of 4 December 2006. The OHS Policy demonstrates a commitment to provide a safe and healthy place of work for all employees, contractors and visitors to Council. The OHS policy forms only one part of Council's overall OHS system, and further information relating to Councillors responsibilities to OHS, and in particular to Part 2A (Workplace Deaths - offence) of the OHS Act will be reported to the Policy and Strategy meeting to be held on 5 March 2007.

6. When will the Council be constructing and installing the new proposed Roundabout at the intersection of Lithgow Street and Kirkland Drive, near the Mines Rescue Station?

The Civil Works program, reported to Council on 4 September 2006, targets the works for the fourth quarter of the 2006/2007 financial year.

7. Could the Council provide an update on the matter of Delaney/Church Corporate Retreat Megalong Valley Vs Lithgow City Council which is currently in the Land and Environment Court?

The matter has been stood over for mention on 20 February 2007. The Chief Judge has asked that the parties use their best endeavours to hold a without prejudice meeting and this is also scheduled for 20 February 2007.

8. Could the Council provide a full report on the recent sales of the General Managers and Mayors Council motor vehicles?

In November 2006 Council replaced both vehicles questioned. The replacement vehicles were purchased using State Government Contract prices and suppliers. Quotes were sought and received from two suppliers for both the purchase and trade in as per normal operating practice.

9. Is the Council aware that many other Public and Government Departments are currently initiating the development of internal policies with respect to the public impact of Climate Change on their clients and communities?

Does the Lithgow City Council has a public policy on this matter, if so what is it, if not, will the Council initiate, develop and adopt a policy?

Council along with other Centroc members have applied for a grant from the Federal Government to undertake such activities. This will enable Council to operate in a regional and local instance for such activities.

10. In respect of a Council policy on Climate Change, could the Council also investigate and provide a report on changing over the Councils Fleet of Motor Vehicles from high powered V6's etc. to more fuel efficient Hybrids and 4-cyl vehicles diesels which I understand are up to 90% more fuel efficient and would represent substantial cost saving to ratepayers?

These matters will be considered in the Policy along with other such matters.

11. With respect to the Council's new Footpath and Maintenance and Repair Policy, could the Council advise have or are ratepayers and landowners to be held legally responsible for the condition or for any of the maintenance of nature strips and footpaths adjacent to their properties?

That is not the intended scope of the Footpath Maintenance and Repair Policy, however, Council recognises and appreciates the large effort undertaken by the majority of the community to maintain footpaths in front of residencies, commercial and industrial buildings.

12. Could the Council provide an update on the current status with the DA by Mr Oliver for the proposed Adult Book Shop in Main Street, Lithgow?

The previous update provided to Councillors on 5 February 2006 remains current.

13. Is it possible for Council to give an update on the Xstrata meeting that was held this afternoon?

The Mayor gave a brief update.

14. Can you please give an update on the Heliport issues at Capertee?

The Mayor advised the DA was still on exhibition.

19/02/07 - QWN - COUNCILLOR H K FISHER

1. Mr Mayor I refer to the Mobil Depot moving into state of disrepair at Jackson Flat, what can be done with Mobil to make them clean the site?

A notice of intention to serve an Order for removal of vegetation has been forwarded to the owner as well as correspondence seeking information as to the future plans for the site.

Council resolved that a request be sent to Mobil inviting them to address Council and provide information on the Depot.

07- 58 RESOLVED

MOVED: Councillor H K Fisher

SECONDED: Councillor W McAndrew.

CARRIED

2. Mr Mayor I refer to the old Pizza Hut building on the Great Western Highway that is in an atrocious state, can we place a demolition order on the building? Something has to be done.

Correspondence has been sent to the owners of the site indicating that if a proposal is not received within Seven (7) days for action to make repairs, trim vegetation, attend to broken glass, remove graffiti and tidy up rubbish, together with a strategy to prevent this situation from re-occurring, then appropriate proceedings will be instigated.

Council resolved that a report on the Pizza Hut building, Shell Services Station and the Mobil Depot to be provided to the next Finance and Services Committee Meeting.

07-59 RESOLVED

MOVED: Councillor H K Fisher

SECONDED: Councillor W McAndrew.

CARRIED

3. Mr Mayor can Council provide an update on the Clarence transfer Water System?

The General Manager gave an update on the Clarence Transfer Water Project.

19/02/07 - QWN - COUNCILLOR W MCANDREW

1. Mr Mayor I refer to the land in Crane Road, I understand that the land is no longer owned by Xstrata but now owned by 2 buyers. Can Council immediately instigate meetings with the new owners to determine a process to resolve the land to which people have dwellings erected?

Council resolved for a meeting to be convened.

07-60 RESOLVED

MOVED: Councillor W McAndrew

SECONDED: Councillor B P Morrissey.

CARRIED

Councillor H K Fisher declared a pecuniary interest in this item due to it being land adjoining land which he owns. He vacated the Chambers.

2. Mr Mayor I refer to the proposed Delta coal unloader, can we seek support from Council to seek a commitment from the NSW Government and Delta to honour the contracts with Angus Place and Springvale Colliery for the life of these mines and Council request such in the statement of Commitment for the Part 3A DA?

Councillor M M Collins declared a pecuniary interest in this item due to being a coal transporter.

Councillor M J Wilson declared a pecuniary interest in this item due to being employed by Delta Electricity.

Councillor B S Moran declared a pecuniary interest in this item due to having a property in the vicinity.

They all vacated the Chambers.

19/02/07 - QWN - COUNCILLOR A E THOMPSON

1. Mr Mayor can Council source Conditions of Consent for mines in the Mudgee area for coal to Mount Piper and Wallerawang?

07-61 RESOLVED

MOVED: Councillor M F Ticehurst

SECONDED: Councillor H K Fisher.

CARRIED

2. Mr Mayor I refer to the questions from Councillors, do their answers go to the public? If not can they please be given a copy?

This matter to be referred to the Code of Meeting Practice reports for consideration.

07-62 RESOLVED

MOVED: Councillor A E Thompson

SECONDED: Councillor H K Fisher.

CARRIED

19/02/07 - QWN - COUNCILLOR M J WILSON

1. Mr Mayor can Council investigate a travelling stock route on McKanes Falls Road?

This will be investigated.

The General Manager advised the Public that Council will now consider the Closed Confidential report. The report was confidential in nature due to:

- Item 12 - (d) commercial information of a confidential nature that would if disclosed:
(i) prejudice the commercial position of the person who supplied it

It is considered the discussion of this matter in Open Council would be contrary to the Public interest as it would prejudice Council's position in negotiating the matter, accordingly, it would not be in the public interest to discuss this matter in open Council.

(g) advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

The General Manager asked for objections from the Public as to the confidential reports.

There were NIL objections

It was resolved that the report would be considered in Closed Committee.

07-63 RESOLVED

MOVED: Councillor M M Collins

SECONDED: Councillor M J Wilson.

CARRIED

Closed Council started at 9.25pm

CLOSED REPORTS

ITEM: 12 AGENDA - ORDINARY MEETING OF COUNCIL HELD ON 19 FEBRUARY 2007 (Minutes)

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(d)(g) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (d) commercial information of a confidential nature that would if disclosed:
 - (i) prejudice the commercial position of the person who supplied it

It is considered the discussion of this matter in Open Council would be contrary to the Public interest as it would prejudice Council's position in negotiating the matter, accordingly, it would not be in the public interest to discuss this matter in open Council.

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

07-57 RESOLVED

THAT the land be placed on the market via an EOI process and further reported to Council.

MOVED: Councillor B P Morrissey
CARRIED

SECONDED: Councillor W McAndrew.

The Mayor reopened the meeting to the public and the General Manager advised them that the following resolutions were made in relation to the confidential report:

THAT the land be placed on the market via an EOI process and further reported to Council.

07- 64 RESOLVED

MOVED: Councillor H K Fisher
CARRIED

SECONDED: Councillor B S Moran.

The meeting closed at 9.34pm.